

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

NELLIE J. DAVIS	§	
	§	
VS.	§	CIVIL ACTION NO. 4:04-CV-384-Y
	§	
JO ANNE B. BARNHART	§	

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS,
CONCLUSIONS, AND RECOMMENDATION

On August 12, 2005, the United States magistrate judge issued his proposed findings, conclusions, and recommendation ("findings and conclusions") in the above-styled and -numbered cause. An order issued that same day gave all parties until September 2, 2005, to serve and file with the Court written objections to the proposed findings and conclusions of the magistrate judge. The Court has not received any written objections. As a result, in accordance with 28 U.S.C. § 636(b)(1), *de novo* review is not required. Nevertheless, the Court has reviewed the magistrate judge's findings and conclusions for plain error and has found none.

Thus, after consideration of this matter, the Court finds that the findings and conclusions of the magistrate judge should be and are hereby ADOPTED as the findings and conclusions of this Court.

It is, therefore, ORDERED that the decision of the Commissioner is REVERSED and the action REMANDED, pursuant to the fourth sentence of 42 U.S.C. § 405(g),¹ for further administrative

¹ The fourth sentence of 42 U.S.C. 405(g) states that the "court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Secretary, with or without remanding the cause for a rehearing." See *Melkonyan v. Sullivan*, 501 U.S. 89

proceedings for the reasons set forth in the magistrate judge's findings and conclusions.

SIGNED September 9, 2005.



TERRY R. MEANS

UNITED STATES DISTRICT JUDGE

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